IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.2715 OF 2007

1. Yogesh Tukaram Kamthe ..Applicants.
2. Vikram Vinod Ghayal

V/s.

The State of Maharashtra. ... Respondent.

Mr.Debajyoti Talukdar i/b Mr.A.A.Deshpande for the Applicants.

Mr.S.S.Pednekar APP for the State.

CORAM: V.C.DAGA, J.

DATED: 31st August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicants are seeking bail in connection with C.R.No.37/07 registered with Bhartiya Vidyapeeth Police Station, Pune for the offences punishable under sections 307,504 r/w section 34 IPC.

3. The prosecution case is that the incident took place on 23rd March, 2007 at in front of the house of the complainant. A quarrel took place between the complainant and the applicants regarding amount of fund. The complainant alleges that the accused assaulted the injured Suhas with the help of stones and bamboos and tried to commit his murder. Statement

of the witnesses were recorded which reveals that the stones which were pelted were lying at the scene of the offence. So far as the bamboos and a iron rod is concerned, that appears to have been taken out from a truck standing near the spot of the incident. It is thus clear that there was no pre-arranged attack. In that view of the matter, applicability of section 307 of IPC itself would be debatable. In that view of the matter, I am inclined to grant bail to the applicants, to each of them subject to the following conditions:

(a) The applicants shall be enlarged on bail on each of them executing a P.R.bond in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicants will not change their residential address thereafter till the

conclusion of trial without prior intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

. Application stands disposed of accordingly.

JUDGE